

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)	
INFORMATION FILED WITH SOUTH CENTRAL)	
BELL TELEPHONE COMPANY'S PROPOSED TARIFF)	
FOR FRAME RELAY SERVICE, CONNECTIONLESS)	CASE NO. 95-423
DATA SERVICE, BROADBAND EXCHANGE LINE)	
SERVICE, EXCHANGE ACCESS FRAME RELAY)	
SERVICE, AND EXCHANGE ACCESS)	
CONNECTIONLESS DATA SERVICE)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, ("BellSouth"), filed September 22, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data, demand projections, and contribution projections filed in support of a proposed tariff for Frame Relay Service, Connectionless Data Service, and Broadband Exchange Line Service on the grounds that disclosure of the information is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

BellSouth has filed revisions to its tariff which introduce new services including Frame Relay Service, Connectionless Data Service, and Broadband Exchange Line Service. Frame Relay Service and Connectionless Data Service are packet data services which connect local area networks or other customer equipment. Frame Relay Service transports data over permanent virtual circuits, while Connectionless Data Service transports separate packets of

data independently through the network. Broadband Exchange Line Service connects the customer's premises and the serving area point for high speed frame or cell-based switched services. In support of the new tariffs, BellSouth has provided cost support data, demand projections, and contribution projections which it seeks to protect as confidential.

The information sought to be protected is not known outside of BellSouth and is not disseminated within BellSouth except to those employees who have a legitimate business need to know and to act upon the information. BellSouth seeks to preserve and protect the confidentiality of the information through all appropriate means, including the maintenance of appropriate security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.


Frame Relay Service and Connectionless Data Service are packet data offerings which compete with similar services offered by providers of competitive private line networks. Broadband Exchange Line Service is integral to both Frame Relay Service and Connectionless Data Service in that it connects these services to the customer's premises. BellSouth's competitors for private line networks are providers of microwave service, digital radio, and fiber networks. Disclosure of the information sought to be protected would provide competitors with information they could use to market their competitive services to the detriment of BellSouth. Therefore, disclosure of the information is likely to cause BellSouth competitive injury and the information should be protected as confidential.

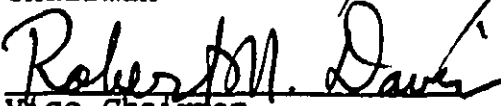
This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data, demand projections, and contribution projections developed in connection with the proposed tariff for Frame Relay Service, Connectionless Data Service, and Broadband Exchange Line Service, which BellSouth has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 14th day of November, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:


Executive Director


Commissioner